

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**November 1, 2021
6:00 p.m. – Huntersville Recreation Center**

PRE-MEETING

None

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Recreation Center, 11836 Verhoeff Drive, at 6:00 p.m. on November 1, 2021.

GOVERNING BODY MEMBERS PRESENT: Mayor John Aneralla; Commissioners Melinda Bales, Dan Boone, Brian Hines, Lance Munger, Stacy Phillips and Nick Walsh.

Mayor Aneralla called the meeting to order.

Mayor Aneralla called for a moment of silence.

Mayor Aneralla led the Pledge of Allegiance.

MAYOR AND COMMISSIONER REPORTS – STAFF QUESTIONS

Mayor Aneralla

- Halloween events at Huntersville Athletic Park and Pottstown were a success.
- Angels and Sparrows is having a Turkey Trot Thanksgiving morning.
- Provided update from the Metropolitan Transit Commission.

Commissioner Phillips

- The Veterans Day Parade will be on November 13.

Commissioner Walsh

- There will be a virtual public information session on the Torrence Tributary II Greenway on November 4.
- Next meeting of the Public Art Commission is November 10.
- Provided update from Visit Lake Norman.

Commissioner Boone

- Provided update from Lake Norman Chamber of Commerce.
- At the Lake Norman Chamber of Commerce Annual Public Safety Awards Luncheon, Koppy Williams was named Firefighter of the Year for Huntersville Fire Department and Officer Gavin Aron was named Police Officer of the Year for Huntersville Police Department.

Commissioner Hines

- Next Charlotte Regional Transportation Planning Organization meeting is November 17.

Commissioner Munger

- Next Huntersville Ordinances Advisory Board meeting is November 4.
- Will be participating in discussion on November 5 with Mecklenburg County officials regarding the Rosenwald School's designation as a historic landmark.
- Consider supporting local non-profits.

Commissioner Bales

- Lake Norman Economic Development Corporation is currently working 27 projects, 11 of which are in Huntersville.
- At the Lake Norman Chamber of Commerce Education Luncheon, an Inspire our Future award will be presented to an area business that has worked to give back to area schools.

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

None

AGENDA CHANGES

Commissioner Bales made a motion to approve the agenda.

Commissioner Boone seconded motion.

Motion carried unanimously.

PUBLIC HEARINGS

Petition #R21-10. Mayor Aneralla called to order public hearing on Petition #R21-10, a request by ADE 883, LLC, to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business to Corporate Business Conditional District to reduce the planting requirements of the 80' CB buffer.

The applicant requests this public hearing be continued to December 6, 2021.

Commissioner Walsh made a motion to continue the public hearing on Petition #R21-10 until December 6, 2021 at 6:00 p.m. at Huntersville Town Hall.

Commissioner Boone seconded motion.

Motion carried unanimously.

OTHER BUSINESS

Petition #TA21-12 – Amend Article 14 TIA. Stephen Trott, Director of Engineering, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 1.*

On June 21, 2021, and August 2, 2021, the Town Board was presented information on the Town's TIA Ordinance performance over the past several years. Based on direction received from the Town Board at the August 2, 2021, Town Board Meeting, two options for modification to Article 14 of the Zoning Ordinance were prepared. One option (Option 1) is to raise the threshold to require a Town TIA from 100 peak hour or 1,000 daily trips to 150 peak hour or 1,500 daily trips. Additionally, as presented, language was added to provide the Town Engineer the ability to waive a Town TIA if a TIA for the development was being required by the North Carolina Department of Transportation. Additional changes are also proposed to raise the thresholds on intersections to be studied when a TIA is required from 30 site trips on an intersection approach or 50 site trips at an intersection to 40 site trips on an intersection approach or 70 site trips at an intersection. A second option (Option 2) is to repeal Article 14 of the Town Zoning Ordinance in its entirety. A public hearing was held on October 4, 2021.

Engineering staff recommends Option 1 to raise the threshold to require a TIA, provide the Town Engineer the option to waive a TIA if NCDOT requires a TIA, and to raise the threshold for required study at intersections.

Commissioner Hines said can you help us understand what it means to raise the thresholds to be studied to 40 trips on an approach to 70 at an intersection.

Mr. Trott said if the site is anticipated to create more than 30 trips on an intersection approach, or 50 if you add all the approaches up, then that has to be studied. What we are noticing is the ones that are just over that threshold, maybe there's 33 trips on an approach or 55 at an intersection, it's being studied but no mitigation is being required. The recommendation is to raise that so that we reduce the number of intersections that are studied, but when an intersection is studied, it's more likely that improvements would be needed.

Commissioner Hines said someone could be required to do a TIA because there are over 150 peak hours, but also not need to do a TIA because they don't impact the trips on an approach.

Mr. Trott said how the process works is first we see if they are over the study threshold. If it's a yes, then we move into scoping. That's where you figure out what you are going to study. There are cases and there have been cases where you've been over that, or just barely over that initial threshold, but then you look at it and say the traffic is going to be spread out to multiple intersections, are there any intersections above. Sometimes that answer is no and if so, no TIA is needed. It's kind of a two-part test. Are you over the first threshold, yes, then you have this second threshold to see what you have to study.

Commissioner Hines said of the eleven projects here between the blue and the red, North State mixed-use development, they had a TIA approved not long ago. What improvements were required. I know they haven't been built yet.

Mr. Trott said in that rezoning there was one improvement that was identified for that development. As part of the rezoning approval there was an option in there for an escrow account in lieu of construction. As far as the details on that gets worked out, I'll probably defer to Legal on how those things would get implemented.

Commissioner Hines said Ms. Sloop, do we have the legislative authority to accept fee in lieu for road improvements.

Ms. Sloop said we do for subdivisions. There is specific fee in lieu authority for things that are set forth in 160D-804, among other things that's roads within subdivisions.

Commissioner Hines made a motion to repeal Article 14 from the Zoning Ordinance.

Commissioner Phillips seconded motion.

Commissioner Hines said I was on the Planning Board in 2007 when we first enacted the TIA and I think at the time we thought it was the right tool and the right mechanism for trying to handle some of our infrastructure challenges we had and knowing the challenges that were coming in the future. We talked about this in the late 2000's, and in 2015 I was appointed to the Huntersville Ordinances Advisory Board. I was on there for 2 or 3 years before coming to this Board and we have always talked about the TIA – how to refine it, how to make it better, how to make it more equitable.

In 2019, the HOAB created a subcommittee. In the subcommittee, they kind of summed it up very well. The current method of a TIA is complex, limited in scope, expensive, time consuming for the applicant and Town staff, and does not capture all of the impacts to the roadway system. They continue on to say the TIA ordinance also places an undue burden on residents since the Town will have to fund and construct improvements when a developer isn't required to do so. The TIA is limited really to intersections, but it doesn't address roadway segments and those kinds of things.

As this is my last few Board meetings that I have, we've talked consistently about the TIA and what can be done. This committee came up with their findings in December 2019. It came with five recommendations. From all of what I've heard and what I've experienced and what I've tried to understand with this TIA, is it's a burden on the future residents and businesses, it impacts affordability, it's not equitable for either developers or taxpayers, it's a reactive approach to mitigation, it's like a false sense of road improvements coming down the road as we can see by a lot of these things. We throw out the TIA and it's a comfort level, it's a security blanket.

The amount of staff time and the resources, just the HOAB board for 6 months studying this. It also has limited abilities for schools because of one of the house bills, the schools don't even do TIAs. We have to do the improvements if we require them to do a TIA. And if they have to do road improvements by NCDOT, the state has to pay for it.

The developers don't have condemnation authority, so in a situation like Spring Grove that was approved, there was an improvement on 115 in front of Dove's Tire. If they can't acquire the right-of-way, unless this Board is willing to condemn the property, that kind of dies in the water I think. It's not equitable. The last in line is the one that is penalized the most. We don't even study the intersections that are on the adopted or funded STIP plan and I don't think it acts for growth as coming from our other neighbors. Lincoln County out where I live, cars are coming in all day long from Lincoln County, but those impact our intersections.

I think the problem that we are trying to solve is we are just trying to figure out an equitable way to solve our traffic and so far what we currently have doesn't produce the results that I think we all desire. The way I do it in my business, if something is not working, instead of just kicking the can down the road, I just burn the ship. That gets rid of all the source of retreat to go back to something that was flawed in the first place.

I know that this Board, and I know that every person on staff probably and every HOAB board member and Planning Board member, wants to figure this thing out. I'm just under the personal belief that we haven't figured it out in 6 years since I've somewhat been involved. If we eliminate it all together, I just think that is the time that we will get down to business, we'll figure out an equitable way, and maybe that is if we really want to solve the problems, be proactive. We know the road intersections need to be improved. We can raise taxes, we can do state legislature, we can change our Town Charter, I think there's a lot of different ways. I just believe because we've been at this so long, the only way we are going to figure it out is if we've got nothing that we got to act with. That's why I made the motion.

Commissioner Munger said if we don't have a TIA, how do we know when an intersection needs to be improved. What's the criteria to put in a right-turn lane, a left-turn lane, or any type of general improvement to an inadequate intersection.

Mr. Trott said we rely on feedback from citizens and take proactive approach to study.

Commissioner Munger said essentially you have to do a TIAish type study to determine whether or not an intersection needs to be improved. On the page with the red line/blue line, it looks like there are 11 projects between the red line and blue line and of those I'm counting seven that required mitigation. Out of curiosity, and I know you probably don't have an exact number so I'm going to ask a generalized question, how much mitigation would developers be paying for this. I'll state it simply, tens of thousands, hundreds of thousands, or millions of dollars.

Mr. Trott said I would guess probably in the millions as far as what mitigation, if you added them all up together.

Commissioner Munger said so that's millions of dollars that developers put forth that we don't have to, thereby saving taxpayer funds, is that a fair statement.

Mr. Trott said yes, sort of.

Commissioner Munger said one of the number one problems I hear repeatedly is that we have traffic issues. The idea that we are going to give away our only real tool to deal with traffic and say it doesn't work so the heck with it, let's just scrap it. Rather than something that the HOAB has passed, the Planning Board has passed, Planning Staff supports, we are going to say you know what, we don't need this tool that's going to save taxpayers' money, it's not important to us and next time when they come and we'll say hey, NCDOT, they'll take care of it. I mean, there's nothing we can do. Trying to be even kill about this, but the idea that we are going to give up our only tool, throw away that tool out of the toolbox and just say the heck with it, some generation down there will figure out how to deal with the traffic, it's not our problem, is ridiculous. I do not support the motion and I would prefer the option that the Planning staff supports which is the 1, 2, 3.

Mayor Aneralla said are you amending the motion.

Commissioner Munger said I may later. I'm going to leave it alone for now.

Commissioner Walsh said I absolutely agree. I appreciate Commissioner Hines' concerns. It is truly an imperfect tool, but it's all we've got. Is it completely broken? Obviously if we are getting millions of dollars from developers to help improve roads and every one of us are out there talking to constituents saying we are doing what we can about roads, shovel ready projects, NCDOT projects coming to town,

and it's kind of hard to sit here, to Commissioner Munger's point, just say we are going to throw the baby out with the bath water. Do you need to fix it, yes.

Commissioner Walsh made an amended motion to approve Petition #TA21-12 to amend Article 14 of the Huntersville Zoning Ordinance regarding the Traffic Impact Analysis with the following: (1) raise the threshold to require a TIA to 150 peak hours or 1,500 daily trips; (2) provide the Town Engineer with the option to waive a TIA if NCDOT requires a TIA; and (3) raise the threshold on intersections to be studied when a TIA is required to 40 site trips on an intersection approach or 70 trips at an intersection. I'd also like to add to the motion that our Town Board create a new TIA subcommittee to pick up the work of the previous HOAB TIA subcommittee and have that in place by the end of January 2022.

Commissioner Bales seconded motion.

Commissioner Walsh said I think I've said it all. We are not going to leave millions of dollars on the table just because something doesn't work perfectly.

Commissioner Hines said I want to follow-up on Commissioner Munger's statement and the millions of dollars that we are losing. I think everybody needs to understand the way the process works. If you are on a state road you may do a TIA, you talk to our Town staff about driveway, but you have to get a driveway permit from NCDOT. Mr. Trott, of those 11 there, do you know what improvements are overlapping with what NCDOT was requiring in the first place.

Mr. Trott said I would say on the whole list, no. I would assume that those above the red line, so I'll say 2/3 of the table, those wouldn't have required a NCDOT TIA at all, so those likely wouldn't have occurred.

Commissioner Hines said that doesn't mean they don't require road improvements because they didn't do a TIA, is that correct.

Mr. Trott said that's correct. They could still require road improvements or driveway improvements.

Commissioner Hines said they could require a decel lane, 150' of stacking or left-turn lane into it without a TIA.

Mr. Trott said that's correct, the state can.

Commissioner Bales said the last several days as we have been getting the agenda and reviewing the Ordinances Advisory Board's TIA subcommittee preliminary findings report, which I believe Commissioner Hines has referenced in part. One of the things that I found interesting in this report was that we all acknowledge the TIA is not perfect. Even with the changes that are being recommended, we acknowledge the TIA is not perfect. I appreciate Commissioner Walsh's motion. Not only was I concerned about just throwing out the TIA entirely without looking for additional solutions, and I believe that you recommended that by creating a subcommittee to pick up where the preliminary findings report left off. I believe that is what we are expected to do, which is to do the heavy lifting and to do the work and to find proactive solutions. I will be supporting Commissioner Walsh's motion as indicated by my second, because I believe I listen to staff, to the Ordinances Advisory Board and to the Planning Board, and in addition to that I believe it is incumbent upon this Board and future boards to make sure that they are continuing to look for proactive solutions to address our transportation needs. I had a conversation with Ms. Sloop today about possible opportunities that this Board could potentially look to

and investigate and go to Raleigh, ask for various things, but I think that it starts here, it starts with approving this piece, and being proactive in moving forward with a subcommittee. I will be supporting that this evening.

Commissioner Phillips said it's a rare thing when Commissioner Hines and I agree on development things, so I think when we do, it's the right solution. TIA's are a false sense of security and some of the controversial projects and how the TIA didn't help include Oak Grove Hill that didn't require TIA mitigation, yet traffic in the area is awful and was the main concern for citizens but not taken into consideration and their evidence and videos not allowed to be shared. Spring Grove required a TIA that impacts Dove Tire and requires using the land without discussing it with them or acknowledging if they would even like to sell it. North State required one that led to doing a right-turn lane at Cashion's that cuts through the awning of the gas pumps. They were not consulted about this, nor was the EPA. This TIA was during the peak of COVID, which did not reflect realistic trips generated. More road improvements were probably needed, but will never be required. And my favorite, Birkdale impacted Beatties Ford and Gilead Road, yet Lincoln County and Cornelius use Beatties Ford and 73, and that is not taken into consideration, so people miles away must do road improvements that their business does not impact. This is not proportional to the impact that they have made on the community and yet forced to do road upgrades that the Town or state should be doing. I don't even understand how that part is ethical.

Things not taken into consideration when the TIA is being done/calculated include traffic accidents on 77, accidents in the area, shut-downs like COVID. A snapshot of a single day in the year does not reflect the true magnitude of traffic and should not be what navigates a project. We say we want smaller communities and small business to come here, but they can't afford the TIA and the larger developers have figured out how to work around them. The last project or business that comes into an area usually gets stuck doing all the road improvements or the vast majority of them, and the previous projects/businesses do not have to contribute the same. This makes it difficult on little and small businesses and projects because they must do the work and invest so much money before even breaking ground. Larger developers/projects have the capital to wait it out and let others break ground first. That's not fair. You are not making everyone pay for the impacts that they create. It should also be noted that if a private landowner doesn't wish to fork the land over to a developer for TIA improvements after waiting periods in discussions, the Town can possibly work as their muscle for the developer and take the land from the people on the developer's behalf. This is allowed because it's a Town required upgrade.

The TIA process is not equitable and it is not transparent. It needs to be repealed until a better replacement is created. We want quality and fairness in our government and the TIA process is hands down the most unfair thing I've ever witnessed. If we want to be equitable, everyone should pay or no one should pay, because every single project makes some sort of impact on our town. An antiquated formula should not be the basis of our roads, it just doesn't work.

Commissioner Boone said this is a very emotional topic for a lot of people. I think the key to this is the subcommittee getting people in the room that know a little bit about the TIA. I'd recommend former Planning Board chairs, possibly Andersen, Bankirer and Matt Jones, to sit down on this committee and figure out maybe there is a solution to this where we are not only studying the intersection, but we are also studying the connectivity in the neighborhoods that aren't impacted by the traffic once we decide to put a development in there. I'll be supporting the amended motion.

Commissioner Bales said I just wanted to share one other thing from the findings from the TIA subcommittee. The best course of action is to pursue a multilayered approach combining enabling additional legislative tools, technical changes to the TIA and comprehensive transportation planning. A thorough review of the Town's sources of authority, especially in combination, could result in better mitigation of traffic impacts as compared to the current stand-alone TIA ordinance. Professional engineering and legal consulting services would likely be required. Feasibility, risk assessment, and return-on-investment analyses should be included. The existing TIA Ordinance does provide some community benefits and should not be rescinded without adopting a better mechanism to replace it.

Mayor Aneralla called for the vote on the amended motion to modify the TIA ordinance.

Motion carried 4 to 2, with Commissioners Hines and Phillips opposed.

Contract – 2022 Downtown Plan. Shook Kelley, a Charlotte-based architectural and urban design firm, has been selected to perform all services needed to produce the 2022 Downtown Plan. The project follows on the heels of the 2040 Community Plan, and will focus on specific design concepts, infrastructure, and implementation related to the downtown and surrounding neighborhoods. The Downtown Plan Steering Committee, created on October 4, 2021, will provide project oversight. The Plan is scheduled to be completed by early summer 2022.

Commissioner Bales made a motion to adopt the Downtown Plan contract approval and that the contract contains a not to exceed amount of \$150,000. This reflects the approved budget for the project for fiscal year 2021-2022.

Commissioner Munger seconded motion.

Motion carried unanimously.

Contract attached hereto as Exhibit No. 2.

CONSENT AGENDA

Approval of Minutes – October 4. Commissioner Walsh made a motion to approve the minutes of the October 4, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

Approval of Minutes – October 18. Commissioner Walsh made a motion to approve the minutes of the October 18, 2021 Regular Town Board Meeting. Commissioner Munger seconded motion. Motion carried unanimously.

McCord Road Powerline Extension. Formal bids were taken on September 28, 2021 for electric materials to construct an electric powerline along McCord Road. The bid total is \$371,753.49. Funds are available in the capital budget for these materials.

Commissioner Walsh made a motion to award formal bid for Electric Material McCord Road Powerline Extension.

Commissioner Munger seconded motion.

Motion carried unanimously.

Bid Tabulation and Recommendation from Southeastern Consulting Engineers attached hereto as Exhibit No. 3.

Budget Amendment – Fire Truck Equipment. From the five fiscal years from 2014 through 2018, the Town withheld approximately \$100,000 (between \$99,820 and \$196,099) each fiscal year from the Fire Department's annual budget allocation to hold for future capital and needs. Some of that funding has been spent, leaving a balance of \$584,108 as yet unremitted to the fire department. The Fire Department has requested to use this source of funds to outfit the equipment on trucks ordered in FY 2022 in their CIP. Equipment pricing is estimated to increase approximately 10 percent January 1, 2022. Use of these funds now will secure 2021 pricing on the equipment.

Commissioner Walsh made a motion to approve budget amendment in the amount of \$262,829.63 to fund fire truck equipment. Commissioner Munger seconded motion. Motion carried unanimously.

CLOSING COMMENTS

Commissioner Hines wished candidates good luck in election.

Commissioner Munger announced he would most likely not be at the next Town Board meeting.

Commissioner Walsh wished candidates good luck in election.

Commissioner Bales encouraged residents to vote.

Mayor Aneralla announced that the sale of the Blythe Building to 760 Brewing closed last week. Friday is ribbon cutting for Downtown Greenway Trailhead. Wished candidates good luck in election.

There being no further business, the meeting was adjourned.

Approved this the 15th day of November 2021.